

MEMORANDUM

To: Parties in PSB Docket No. 7032

From: Susan M. Hudson, Clerk of the Board

Re: Procedural matters for technical hearings

Date: June 17, 2005

Technical hearings in these proceedings are scheduled to run from July 6 to July 22, 2005, exclusive of the week of July 11, 2005.¹ In order to increase the efficiency of the hearings and ensure that parties receive as much cross-examination time as possible, the Hearing Officer has established the following procedures.

No later than June 28, 2005, each party must file (1) a statement identifying the availability of each of its own witnesses during the scheduled hearing dates, and (2) estimates of cross-examination time for each of the other parties' witnesses. The Hearing Officer strongly encourages parties to focus their cross-examination, wherever possible, to optimize the use of hearing time. The parties are reminded that Vermont Rule of Civil Procedure 43(g) provides that, if necessary, the Hearing Officer may restrict cross-examination to a single lawyer on each side.

Following receipt of the parties' filings, the Hearing Officer will establish a schedule for witnesses and, if necessary, set limits on the amount of time for cross-examination.

To facilitate the hearings, the Hearing Officer intends to adopt the following procedures:

- Hearings will generally run from 9:00 a.m. through 5:00 or 5:30 p.m.

¹If additional hearing days are necessary, they will be scheduled during the week of July 25, 2005.

- At the beginning of the day, parties should mark any exhibits that they plan to introduce (including those to be used in cross-examination) and should provide a written list of all such exhibits (an electronic version would be appreciated). Parties should ensure that, for exhibits that were not prefiled, and for their exhibit lists, they have sufficient copies to distribute to the Hearing Officer and Board staff, and other parties. Parties should distribute exhibits that have not been prefiled with other parties prior to the commencement of hearings for that day. To the extent feasible, parties should plan to mark each document as a separate exhibit, rather than introducing all of a witness' exhibits or a collection of different documents as a single exhibit.
- Parties are encouraged to stipulate to the admission of any prefiled testimony and prefiled exhibits to which no party has objected.
- Prefiled testimony should not be summarized orally.
- Witnesses should arrive at the hearing at least one-half hour prior to their estimated starting time, unless the witness is the first witness of the day.
- The time used to introduce witnesses, prefiled testimony, and exhibits should be kept to a minimum.
- As a matter of good practice, parties should not expect to use cross-examination to develop information that could reasonably have been obtained through discovery.
- Redirect examination shall be strictly limited to the scope of matter that were raised in cross-examination. Only in the most extraordinary circumstances would redirect examination be expected to exceed ten percent of the cross-examination time.

If they have not already done so, parties are requested to provide their e-mail addresses to the Clerk of the Board.